

### **REMARKS**

Claims 12-32 are pending in the present application. Claims 12, 16 and 18 have been amended as discussed below and to correct matters of form. New claims 23-32 have been added, support for which may be found in the original claims and in the specification, for example, at page 12, lines 13-36, page 15, lines 22-32. No new matter has been added by way of the above amendments.

#### ***Rejections under 35 USC § 112, First Paragraph***

Claims 12-13 and 15-22 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement.

The present claims have been amended to delete the phrase “prevention or alleviation”. Accordingly, the outstanding rejection has been rendered moot. Applicants respectfully request reconsideration and withdrawal of the outstanding rejection.

#### ***Rejections under 35 USC § 103***

Claims 12-13 and 15-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over General Pharmacology 34 (2000) 107-116 by Manolopoulos (hereinafter “Manolopoulos”) in view of WO 00/24707 to Dahl et al. (hereinafter “Dahl”). Applicants respectfully traverse.

Applicants submit that Dahl describes a number of compounds active as chloride channel blockers – among them some of the compounds claimed in the present invention. However, the reference is silent about any use of the compounds for inhibition of angiogenesis and furthermore, is silent about any VRAC blocker activity of the compounds.

Manolopoulos describes the effect of four VRAC blockers on inhibition of angiogenesis. For a person of ordinary skill in the art, the teaching of VRAC blockers of this reference provides no guidance in relation to the chloride channel blockers of Dahl– having a chemical structure very different from the four compounds mentioned in Manolopoulos and their usefulness in the treatment of diseases responsive to inhibition of angiogenesis.

Thus, Applicants respectfully submit there is no motivation for a person of ordinary skill in the art to combine the teachings of Manolopoulos and Dahl to arrive at the presently claimed invention. Reconsideration and withdrawal of the outstanding rejection is respectfully requested.

#### ***Double Patenting Rejection***

Claims 12, 13 and 15-22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 21, 22, 35, 38 and 39 of copending Application No. 10/526,208 (hereinafter “the ‘208 application”).

The present application was filed earlier than the ‘208 application. The filing dates are January 25, 2005 and September 16, 2005, respectively. In accordance with MPEP §804, “[i]f a “provisional” nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.”

Therefore, Applicants respectfully request that the Examiner withdraw the outstanding rejection and instead apply the rejection to the later-filed application. However, in the event that

the double patenting rejection is the sole remaining issue in the present application, the undersigned invites the Examiner to contact him in order to resolve the outstanding issue.

In view of the foregoing, Applicants believe the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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